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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 405 OF 2005

Kitchen Appliance India Limited ... Petitioner
Versus
Inspector of Legal Metrolog
Weight and Measures & Ors. ... Respondents

Mr. R.D. Soni i/by Ram & Co. for Petitioner.
Mr. K.R. Belosey, Govt. Pleader for Respondents.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: DECEMBER 12, 2006

P.C.:

. Rule. Heard forthwith.

. It is pointed out that the goods have already been released.

. The issue as to what can be said a pre packed commodity has been considered by us in Subhash Arjandas Kataria Versus the State of Maharashtra and Ors. in Writ Petition No. 120 of 2004 decided on 5th May, 2006 and it has been further explained in our judgment in Titan Industries. Ltd. Vs. Union of India and Ors. in Writ Petition No. 1848 of 2002 decided on 10.7.2006.

. Considering both the above judgments, the test that has been applied is that merely because there was a package for the purpose of safety and or transportation, the said package would not become

pre-packed commodity within the meaning of Act or Rules framed thereunder. In the case of electronic goods, which are claimed by the Petitioners, all that can be said it to be a secondary packing. They cannot be said to be prepacked commodity.

. In the light of that rule made absolute in terms of Prayer Clauses (a) and (f).

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**